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Mike Daily

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EXAMINER

FERGUSON, KEITH

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/690,574
Filing Date: October 17, 2000
Appellant(s): DAILY ET AL.

Cary Tope-McKay
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 10, 2009 appealing from the Office action mailed November 30, 2004.

(1) Real Party in Interest

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 2-5, 8, 11-13, 15-17, 20, 23-25, 28-31,33 and 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Chern et al. (U.S. Pub. No. 2003/0060211).

The claimed invention reads on Chern et al. as follows:

Regarding claim 2, Chern et al. discloses an audibly (audio)(voice/speech synthesis) information transmission device (handset) (130)(P:0043 lines 1-14) for providing audio (voice/speech synthesis) information (paragraph 0043 lines 8-14 and fig.5 number 324) comprising: a user interface (keypad for dialing) (fig. 1 number 110), a position detection system (GPS) (paragraph 0040, 0084 and fig. 4), an information server (fig. 2 number 136), and a playback manager (server sends a prerecorded or synthesized outgoing responses) (paragraph 0053 lines 1-14), wherein, the user interface provides a user with an ability to submit queries to a database (paragraph 0049 through paragraph 0053 line 14), and further provides location-specific information back to the user (paragraph

Art Unit: 2618

0049 through paragraph 0053 line 14); the position detection system is comprised of a variety of complimentary devices (satellites) (paragraph 0084 and fig. 4); the information server provides a means for communicating the queries and the position data to the database (paragraph 0049 through paragraph 0053 line 14), and further provides a means for communicating references to the playback manager (paragraph 0049 through paragraph 0053 line 14); and the playback manager provides a means for delivering location-specific information to the user interface (paragraph 0049 through paragraph 0053 line 14) wherein said position detection system provides orientation data (i.e. location/positioning data from a constellation of satellites) to assist with user-generated queries (paragraph 0040,0084 and paragraph 0085).

Regarding claim 15, Chern et al. discloses a method (fig. 3 and P:0049-P:0053) of providing an audibly (audio)(voice/speech synthesis) information from a transmission device (handset) (130)(P:0043 lines 1-14) comprising: a user interface (keypad for dialing) (fig. 1 number 110), a position detection system (GPS) (paragraph 0040, 0084 and fig. 4), an information server (fig. 2 number 136), and a playback manager (server sends a prerecorded or synthesized outgoing responses) (paragraph 0053 lines 1-14), wherein, the user interface provides a user with an ability to submit queries to a database (paragraph 0049 through paragraph 0053 line 14), and further provides location-specific information back to the user (paragraph 0049 through paragraph 0053 line 14); the position detection system is comprised of a variety of complimentary devices (satellites) (paragraph 0084 and fig. 4); the information server provides a

Art Unit: 2618

means for communicating the queries and the position data to the database (paragraph 0049 through paragraph 0053 line 14), and further provides a means for communicating references to the playback manager (paragraph 0049 through paragraph 0053 line 14); and the playback manager provides a means for delivering location-specific information to the user interface (paragraph 0049 through paragraph 0053 line 14) wherein said position detection system provides orientation data (i.e. location/positioning data from a constellation of satellites) to assist with user-generated queries (paragraph 0040,0084 and paragraph 0085).

Regarding claim 37, Chern et al. discloses a method (fig. 3) for information delivery (paragraph 0043 lines 8-14, paragraph 0049 through paragraph 0052) comprising acts of choosing a user specified specific geographic location by utilizing a position detection system (fig. 2 numbers 136 and 138) (paragraph 0050 through paragraph 0053), wherein the user-specified geographic location is a user position (paragraph 0050 through paragraph 0053); querying a database (server) based upon the user specified geographic location (paragraph 0050 through paragraph 0053); and returning data associated with the user specific geographic location to a user wherein the position detection system further provides user orientation data (restaurants, gas stations or hotels near the user) (paragraph 0050 through paragraph 0053). Regarding claim 3, Chern et al. discloses said playback manager further provides preference-

Art Unit: 2618

filtered (refined) information to the user interface (paragraphs 0051 through 0053 line 14).

Regarding claims 4,16,29-30,38, Chern et al. discloses said location-specific information is spatially enhanced based on the user position and orientation data to appear to be coming from a location with which the information is associated (paragraph 0040, paragraph 0063 through paragraph 0065, paragraph 0084 and 0085).

Regarding claims 5, 17 and 39, Chern et al. discloses said location specific information is provided to the user as text (text description)(paragraph 0065).

Regarding claims 8,20 and 33, Chern et al. discloses said information server is either a distributed Internet-based information server networked to a plurality of information sources or a dedicated independent server (paragraph 0056).

Regarding claims 11,12, and 23, Chern et al. discloses said user interface is a two-way mobile phone, (paragraph 0032).

Regarding claims 13,24 and 25, Chern et al. discloses to provide location specific information based on an expected user destination determined from the user orientation data (P:0044 lines 1-12 and P:0062 through P:0065 line 15).

Regarding claim 28, Chern et al. discloses an information system (fig. 2) comprising: a database comprise data associated with a plurality of specified geographic location (paragraph 0044); a user interface allowing a user to determine a user specified specific geographic location (paragraph 0040); a position detection system capable of providing the user specified specific geographic location (positioning/location data from a constellation of satellites (GPS) (paragraph 0040, 0084 and fig. 4) and an information server associated with the database and the user interface (paragraph 0043), wherein the information server assists with querying the database upon the user specified specific geographic location and returns data associated with the user specified specific geographic location to the user through the user interface (paragraph 0040 through paragraph 0044 and paragraph 0049 through paragraph 0053); the position detection system (GPS) further provides orientation data to assist with user generated queries (i.e. positioning/location data/longitude and latitude data from a constellation of satellites) (paragraph 0040, 0084 and fig. 4).

Regarding claim 31, Chern et al. discloses data associated with the user specified specific geographic location is provided to the user as text (paragraph 0065 lines 5-10).

Art Unit: 2618

2. Claims 6, 7, 18, 19, 32 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern et al. (U.S. Pub. No. 2003/0060211) in view of Dahlen (U.S. Patent 5,870,454).

Regarding claims 6,7,18,19,32 and 40, Chern et al. discloses an audio (voice) information transmission device as discussed supra in claims 1,17,14,26and 35 above. Chern et al. differs from claims 6,7,18,19,32 and 40 of the claimed invention in that it do not disclose the text is automatically converted from text to a user selected spoken language and translated from a spoken language to another spoken language of the user's choice. Dahlen discloses text is automatically converted from text to a user selected spoken language (col. 3 lines 30-33 and col. 6 lines 20-31) and translated from a spoken language to another spoken language of the user's choice (col. 3 lines 30-33 and col. 6 lines 20-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve Chern et al. with the text is automatically converted from text to a user selected spoken language and translated from a spoken language to another spoken language of the user's choice in order to provide the user a choice when receiving location information based upon the users language preference, as taught by Dahlen.

(10) Response to Argument

Argument: Regarding claim 2 and though out claims, Applicant alleges that the Chen reference does not disclose "orientation data", in light of the "orientation data" specified in the applicants specification.

Explanation: Examiner respectfully disagrees because Chen teaches a GPS system that provides orientation data (i.e. location/positioning data, latitude/longitude data, from a constellation of satellites) to assist with user-generated queries (paragraphs 0040,0084 and paragraph 0085). The examiner only addresses the limitations that are in the claims that are the broadest reasonable interpretation consistence with the applicant's specification.

Argument: Regarding claim 4, applicant alleges that Chen reference does not discloses "location-specific information is spatially enhanced on the user position and orientation data to appear to be coming from a location or object with which the information is associated.

Explanation: Examiner respectfully disagrees because Chen teaches "location base driving direction information" (location specific information) is related to a user position by its positioning determination system (i.e. GPS) (P:0040 and P:0044 lines 5-12) and orientated data (i.e. a rout and/or driving directions from a starting point) is provided by a remote server 136 (location or object) which may be displayed or audibly render to the user (P:0044 lines 5-12 and paragraph 0063 through paragraph 0065).

Argument: Regarding claim 13, applicant alleges that Chen reference does not discloses an audio transmission device configured to provide "location-specific

Art Unit: 2618

information" based on an expected user destination determined from the user orientation data.

Explanation: Examiner respectfully disagrees with applicant. Chen teaches "location base driving direction information" (location specific information) is related to a user position by its positioning determination system (i.e. GPS) (P:0040 and P:0044 lines 5-12) and orientated data (i.e. a route and/or driving directions from a starting point) is provided by a remote server 136 (location or object) which may be displayed or audibly rendered to the user (P:0044 lines 5-12 and paragraph 0063 through paragraph 0065). For example, driving direction to a destination address is presented to the handset via audibly rendered via speech synthesis or prerecorded scripts to the user of the handset (P:0044 lines 1-12 and P:0062 through P:0065 line 15). Chen further teaches based upon the handset location or starting city and the handset final destination city the server could calculate "a route and compile driving direction the shortest possible route or the safest route" (i.e. location specific information) to be presented to the handset (paragraph 0063 through paragraph 0065).

Argument: Regarding claims 3-13,15-25,28-34 and 37-41 is patentable by virtue of their dependency.

Explanation: Examiner respectfully disagrees with applicant. Claims 3-13,15-25,28-34 and 37-41 are rejected by virtue of their dependency.

Art Unit: 2618

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Keith T. Ferguson/

Primary Examiner, Art Unit 2618

May 18, 2011

Conferees:

/NAY MAUNG/

Supervisory Patent Examiner, Art Unit 2618

/DUC NGUYEN/

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